

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TONIA HARDYWAY,)
Plaintiff,)
v.)
DENIS McDONOUGH, *Secretary*) CASE NO.: 3:22-cv-00037
of the Department of Veterans Affairs,) JUDGE RICHARDSON
Defendant.) MAGISTRATE JUDGE NEWBERN

DEFENDANT'S PARTIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendant, Denis McDonough, Secretary of the Department of Veterans Affairs (“Defendant”), submits this Partial Motion to Dismiss Plaintiff’s Complaint.

Plaintiff Tonia Hardyway (“Plaintiff”) filed this action on January 19, 2022, alleging employment discrimination at the Department of Veterans Affairs. *See generally* ECF No. 1. Defendant now moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Count I of Plaintiff’s Complaint, disparate treatment, and portions of Counts II and III, retaliation and hostile work environment, respectively, for failure to state a claim upon which relief can be granted.

For the reasons discussed more fully in the supporting memorandum and declaration, Defendant respectfully requests that his Partial Motion to Dismiss be granted and that certain claims be dismissed from Plaintiff's Complaint with prejudice. Further, Defendant respectfully requests that he have thirty days after the Court rules on this motion to file his Answer to the remaining claims in Plaintiff's Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2022, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was sent by United States mail, postage prepaid, to the following:

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s/ Anica C. Jones
ANICA C. JONES
Assistant United States Attorney